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later overruled its former decision and decided that the act did fall within the statute. The defendant was then indicted under the statute. The trial court sustained a demurrer to the indictment and the state appealed. *Held*, that the judgment must be affirmed and the defendant discharged. *State v. Longino*, 67 So. 902 (Miss.).

For a discussion of how far an overruling decision may be retroactive, see NOTES, p. 80.

MASTER AND SERVANT — WORKMEN'S COMPENSATION ACT — AMOUNT OF COMPENSATION AWARDED WHERE THE WORKMAN HAD FORMERLY BEEN INJURED. — The plaintiff, having formerly lost one eye, lost the other in the defendant's employment and sued for the injury. The Michigan Workmen's Compensation Act provides different proportions of the employee's average wage where total and where partial disability results. In addition, some injuries, including the loss of both eyes, are expressly specified as total disabilities. The loss of one eye is a partial disability. *Held*, that the plaintiff was entitled only to compensation for partial disability. *Weaver v. Maxwell Motor Co.*, 152 N. W. 993 (Mich.).

Under a similar statute in New York, which specifies the loss of two hands and of one hand as total and partial disabilities respectively, the plaintiff, who had previously lost one hand, lost the other. He sued. *Held*, that he could recover for total disability. *Schwab v. Emporium Forestry Co.*, 153 N. Y. Supp. 234 (Sup. Ct. App. Div., 3d Dept.).

It is a well-established rule of common law that a person is liable for the damages which proximately result from his culpable act, no matter whether the condition of the injured person before that act caused the damages to be greater than they would otherwise have been. *Basham v. Hammond Packing Co.*, 107 Mo. App. 542, 81 S. W. 1227; *Jordan v. City of Seattle*, 30 Wash. 298, 70 Pac. 743. The Workmen's Compensation Acts, though they have done away with recovery in tort, clearly aim to supply relief to the injured employee regardless of the culpability of the employer. See Wambaugh, "Workmen's Compensation Acts," 25 HARV. L. REV. 129, 131. Again, the amount of compensation recoverable under the Acts is made proportional to the loss of earnings caused by the injury. *Sullivan's Case*, 218 Mass. 141, 105 N. E. 463. See 2 SEDGWICK, DAMAGES, 9 ed., § 675 a. Thus, they emphasize rather than alter the common-law principle of damages. *Lee v. William Baird & Co.*, 45 Scot. L. Rep. 717. As total disability certainly resulted from the accidents in the principal cases, it is submitted that the decision of the New York court is the more sound. Nor does this result work an injustice on the employer, since the wages earned by a previously disabled employee, and hence the compensation the employer must pay, are less than those he must pay to an able-bodied man.

MASTER AND SERVANT — WORKMEN'S COMPENSATION ACT — CHARACTER OF PAYMENTS — DUTY OF RECEIVER TO PAY PAST CLAIMS. — A receiver carrying on the business of an insolvent corporation petitions for instructions as to whether he need make workmen's compensation payments for injuries that happened before he was appointed. *Held*, that he must make the payments. *Wood v. Camden Iron Works*, 221 Fed. 1010 (Dist. Ct., D. N. J.).

At common law the workman's remedy would be in tort. Tort claims that arose prior to the receivership, the receiver is not commonly required to pay. *Easton v. Houston & T. C. Ry. Co.*, 38 Fed. 12. See 23 HARV. L. REV. 488. But receivers who carry on the business are required to pay in full antecedent debts of certain classes. *Fosdick v. Schall*, 99 U. S. 235. Chief of these are recent debts for operating expenses. *Drennen v. Mercantile Trust & Deposit Co.*, 115 Ala. 592, 23 So. 164. Payments under the Workmen's Compensation Acts are pretty clearly not tort payments. See *Interstate Telephone & Telegraph Co. v. Public Service Electric Co.*, 86 N. J. L. 26, 28, 90 Atl. 1062; *Trim*